

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

H.B. 169
Feb 22, 2023
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40065-NB-11

Short Title: Executive Order Modifications. (Public)

Sponsors: Representative Kidwell.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ENFORCE SECTION 5(10) OF ARTICLE III OF THE CONSTITUTION OF
3 NORTH CAROLINA.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 143B-4 reads as rewritten:

6 "§ 143B-4. Policy-making authority and administrative powers of Governor; delegation.

7 (a) Policy Administration. – The Governor, in accordance with Article III of the
8 Constitution of North Carolina, shall be the Chief Executive Officer of the State. The Governor
9 shall be responsible for formulating and administering the policies of the executive branch of the
10 State government. Where a conflict arises in connection with the administration of the policies
11 of the executive branch of the State government with respect to the reorganization of State
12 government, the conflict shall be resolved by the Governor, and the decision of the Governor
13 shall be final.

14 (b) Administrative Function Limitations. – Except as provided in Article 1A of Chapter
15 166A of the General Statutes, the Governor, in accordance with Section 5(10) of Article III of
16 the Constitution of North Carolina, shall submit executive orders that make any changes to the
17 allocation of functions, powers, and duties of the administrative departments and agencies of the
18 State that affect existing law to the Council of State for concurrence in the same manner
19 prescribed in G.S. 166A-19.3. Any executive order not concurred to by the Council of State shall
20 expire after 30 calendar days of issuance. Any executive order concurred to by the Council of
21 State shall expire 60 calendar days after issuance, unless each house of the General Assembly
22 approves the executive order by resolution or modifies the executive order by joint resolution of
23 both houses of the General Assembly.

24 (c) Multiple Executive Orders. – If the Council of State fails to concur with an executive
25 order under subsection (b) of this section, the Governor shall not issue the same or any other
26 substantially similar executive order within one calendar year of the initial executive order
27 issued."

28 SECTION 2. This act is effective when it becomes law and applies to any executive
29 orders issued on or after that date.

